

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROOSEVELT PURLEY,

CASE NO. 3:24 CV 1211

Petitioner,

v.

JUDGE JAMES R. KNEPP II

TOLEDO FEDERAL COURT,

**MEMORANDUM OPINION AND
ORDER**

Respondent.

This matter is before the Court on Magistrate Judge Carmen E. Henderson's Report and Recommendation ("R&R") to dismiss Petitioner Roosevelt Purley's Petition filed pursuant 28 U.S.C. § 2241. (Doc. 9). Specifically, Judge Henderson recommends the Court grant Respondent Toledo Federal Court's Motion to Dismiss for lack of personal jurisdiction, dismiss Petitioner's Petition without prejudice, and not grant Petitioner a certificate of appealability. *See id.*

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on January 17, 2025, and it is now February 21, 2025. Petitioner has neither filed objections nor requested an extension of time to file them. Despite the

lack of objections, the Court has reviewed Judge Henderson's R&R, and agrees with the findings and recommended rulings therein. Therefore, the Court ADOPTS Judge Henderson's R&R (Doc. 9) as the Order of this Court, and DISMISSES Petitioner's Petition (Doc. 1) without prejudice as set forth therein.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Further, because Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b).

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE

Dated: February 21, 2025